



# Department of Justice

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## PRESS RELEASE

Albany, New York —United States Attorney Richard S. Hartunian and John P. Melville, Acting Superintendent of New York State Police, announced that BRUCE SMITH, age 49, of Adirondack, New York, pled guilty in United States District Court in Albany before the Honorable Thomas J. McAvoy to Count One of an Indictment charging him with the receipt of child pornography between about November, 2008 and July 23, 2009.

In connection with his plea, SMITH admitted the following during his plea proceedings:

Between about November, 2008 and July 23, 2009, Smith, while in his residence, used a custom-made desktop computer, property no. AC26400-32RNN1 to access the internet. While on the internet Smith downloaded and installed a file sharing program called "Bearshare" onto said computer. Bearshare is known as a Peer-to-Peer file sharing program and it allows internet users to trade and receive digital files from other users of computers with the same file sharing program.

While surfing the internet and visiting various websites or while using the Bearshare program, Smith obtained several electronic files containing still images and videos depicting minors engaged in sexually explicit conduct. Smith then downloaded some of these still images and videos to the aforementioned computer wherein he would ultimately save the electronic files to either the computer or four individual Memorex CDs/DVDs.

Investigators identified the IP address assigned to the defendant's internet account with Time Warner Cable. Investigators further identified several video files depicting minors engaged in sexually explicit conduct in his "shared" folder, thereby permitting other Bearshare users seeking child pornography to receive child pornography from Smith. On July 23, 2009 investigators executed a search warrant at the Defendant's residence. The aforementioned custom-made desktop computer along with other electronic items were seized and searched.

Forensic examinations of the aforementioned custom-made desktop computer and CDs/DVDs, which belonged to the Defendant, were subsequently conducted. Movie files and still image files which depict minors engaged in

sexually explicit conduct, as those terms and phrases are defined in Title 18, United States Code, Section 2256(2), were recovered from said computer and CDs/DVDs. Some of said images depict individuals under the age of 18 engaged in, among other things, vaginal sex, oral sex, masturbation and the lascivious exhibition of the genitals and pubic area. All of the images recovered depict actual, as opposed to computer generated, images of minors engaged in such conduct. A number of these images depict prepubescent minors engaged in such conduct.

Smith knowingly and willfully received and possessed the aforesaid images. He also received, downloaded and possessed these images knowing that they depict minors engaged in sexually explicit conduct. All of these images had either been transported in interstate or foreign commerce or were produced using materials that had been mailed, shipped or transported in interstate or foreign commerce. Smith obtained such images from, among other places, individuals and websites located outside the State of New York. Moreover, such images, and the actual computer used to obtain and download these depictions, were transported in interstate and foreign commerce and were produced using materials that had been mailed, or shipped or transported in interstate and foreign commerce. Smith also acknowledges that said computer and CDs/DVDs were used to commit and promote the commission of the offense found in Section 2252A(a)(2) of Title 18 which is charged in the Indictment.

On July 23, 2009, Smith was interviewed by law enforcement officials. During this interview, he stated, among other things, that:

1. He owned the aforementioned computer and CDs/DVDs;
2. That he used the Bearshare file sharing program to download files from the internet.

Sentencing was scheduled by Judge McAvoy for September 15, 2010, at 9:30 a.m. in U.S. District Court in Albany, New York. SMITH faces a maximum penalty of 20 years imprisonment, with a mandatory minimum of five years, and a fine of up to \$250,000.00.

This case was investigated by the New York State Police .

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